

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>UNITED MINE WORKERS OF</b>	}	
<b>AMERICA COMBINED BENEFIT FUND,</b>	}	
<b>et al.,</b>	}	
	}	
<b>Appellants,</b>	}	<b>Case No.: 2:16-cv-00249-RDP</b>
	}	
<b>v.</b>	}	
	}	
<b>WALTER ENERGY, INC., et al.,</b>	}	
	}	
<b>Appellees.</b>	}	

## ORDER


This case is before the court on Appellants’ Statement on Effect of the Court’s March 8, 2016 Order in Case No. 2:16-cv-00064-RDP (Doc. # 4), filed March 11, 2016. In their Statement, Appellants state that their present Non-Core-Asset appeal of the Bankruptcy Court’s February 11, 2016 Sale Order mirrors “in all material respects” the Core-Asset appeal from the Bankruptcy Court’s January 8, 2016 Sale Order. (Doc. # 4 at 1). Indeed, as Appellants point out, the parties to both appeals are the same, the appeals arise from the same proceeding, and both appeals raise the same questions of law.

On March 8, 2016, this court ruled on the merits of the Core-Asset appeal and affirmed the Bankruptcy Court's January 8, 2016 Sale Order. (*See* Case No. 2:16-cv-00064-RDP, Doc. # 56).<sup>1</sup> Thus, Appellants request, in the interests of justice, that this court either enter judgment here on the basis of the Core-Asset appeal's March 8, 2016 Order, or hold this appeal in abeyance pending a final determination of the Core-Asset appeal. (Doc. # 4 at 2). Because the

<sup>1</sup> The court recognizes that Appellants have appealed the March 8, 2016 Order to the Eleventh Circuit. (*See* 2:16-cv-00064-RDP, Doc. # 61).

parties have not addressed, and the court is unaware of what effects, if any, an abeyance of this appeal might have on the Chapter 11 proceedings and the asset sales thereunder, the court will not hold the appeal in abeyance. Therefore, in accordance with the reasoning set forth in the court's Memorandum Opinion in support of the court's March 8, 2016 Order in the Core-Asset appeal,<sup>2</sup> the Bankruptcy Court's February 11, 2016 Sale Order is due to be, and hereby is, **AFFIRMED**.

**DONE** and **ORDERED** this March 15, 2016.

  
**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> (2:16-cv-00064-RDP, Doc. # 55).